

From: [Arling, Michelle](#)
To: [McNally, Robert](#)
Subject: RE: WPS Proposal: Discussion with USDA re Covered Establishments
Date: Monday, April 29, 2013 5:16:27 PM

There are livestock operations that ALSO are WPS establishments. What USDA is saying is that from the start we excluded all livestock operations, regardless of whether or not they also qualify as an WPS establishment (based on what they have seen of the data sort that underlies the EA so far). We're going to go over the data sorts (provided by USDA) with the NASS folks later this week and we'll have a sense of what adjustments are necessary. We think we'll have a sense of what needs to happen later this week. Once we know the magnitude of the error, if at all, we'll give you and Bill a sense of what needs to be done and how long it will take.

From: McNally, Robert
Sent: Monday, April 29, 2013 3:23 PM
To: Arling, Michelle
Subject: RE: WPS Proposal: Discussion with USDA re Covered Establishments

So, livestock operations are not covered, but if the livestock operation applies pesticides and produce ag commodities, they are covered? We might have underestimated those, and if so, we will adjust and add cost? Is it likely to be in the noise, or pretty high?

Thanks,

bob

From: Arling, Michelle
Sent: Monday, April 29, 2013 3:18 PM
To: Davis, Kathy; Wyatt, TJ; Kiely, Timothy; Berwald, Derek
Cc: McNally, Robert; Keaney, Kevin; Jordan, William; Evans, Jeff; Kasai, Jeanne; Nelsen, Ashley; Pont, Richard; Schroeder, Carolyn
Subject: WPS Proposal: Discussion with USDA re Covered Establishments

Bill, Tim, Jeff, Derek, and I talked with Robert Johansson and Sheryl Kunickis at USDA this afternoon.

USDA contacted us quickly with this concern in recognition of the high priority for the WPS proposal. If the numbers are off, we will want to fix the information as soon as possible to ensure that USDA is reviewing the package with the most accurate data possible.

USDA raised a concern about whether EPA included in the number of establishments, workers, and handlers those livestock operations that also apply pesticides and produce agricultural commodities. It seems that based on the data query requested by Abt, livestock operations that also conduct WPS activities were not included in the number of establishments based on the NAICS codes queried.

EPA clarified the coverage of the WPS (establishments using WPS-labeled product, employing workers and/or handlers, not exempt). EPA also confirmed that any underestimate of the number

of establishments or exclusion of livestock establishments that are also covered by the WPS was unintentional and will be corrected.

Robert Johansson will send a contact at NASS to Kathy. He also suggested a few other data sources that may be useful in refining the figures, such as <http://www.ers.usda.gov/data-products/arms-farm-financial-and-crop-production-practices.aspx#.UX7GG6lcfAM>.

BEAD will follow up with the NASS contact. They will provide an estimate of what will be required to adjust the figures in the EA once they have a sense of how the information from USDA will impact the current document.

We will wait to send the formal WPS revisions package to USDA.

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From: Davis, Kathy
Sent: Friday, April 26, 2013 2:23 PM
To: Wyatt, TJ; Kiely, Timothy; Berwald, Derek
Cc: McNally, Robert; Keaney, Kevin; Jordan, William; Arling, Michelle; Evans, Jeff; Kasai, Jeanne; Nelsen, Ashley; Pont, Richard; Schroeder, Carolyn
Subject: FW: EPA's proposed changes to the agricultural Worker Protection Standard

TJ

See Sheryl's note, below – they wish to

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From: Kunickis, Sheryl [<mailto:Sheryl.Kunickis@ARS.USDA.GOV>]
Sent: Friday, April 26, 2013 2:09 PM
To: McNally, Robert; Davis, Kathy
Cc: Keaney, Kevin; Jordan, William; Arling, Michelle; Poe, Michael - OBPA; Johansson, Robert - OCE
Subject: RE: EPA's proposed changes to the agricultural Worker Protection Standard

Hi Rob,

Thanks for the quick response. See the following:

“Initial review indicates that EPA has not considered operations that derive a majority of farm income from animal operations. However, many animal operations have cropping activities integrated with their livestock operations. Initial review indicates that of the 1.1 mil livestock operations in the 2007 Census of Agriculture, approximately 376,000 report chemical purchases and 240,000 have hired labor. A closer examination will reveal a good many operations have significant cropping activities and pesticide usage. It would seem that the AWP would apply to those applications and workers as well.”

Please let me know the time that works as calendars seem to fill in quickly.

Thaks,
Sheryl

From: McNally, Robert [McNally.Robert@epa.gov]
Sent: Friday, April 26, 2013 1:39 PM
To: Kunickis, Sheryl; Davis, Kathy
Cc: Keaney, Kevin; Jordan, William; Arling, Michelle; Poe, Michael - OBPA; Johansson, Robert - OCE
Subject: RE: EPA's proposed changes to the agricultural Worker Protection Standard

Sure thing, Sheryl.

So we can be prepared to answer any questions, what area is the item/issue part of?

Thanks,

Bob

From: Kunickis, Sheryl [<mailto:Sheryl.Kunickis@ARS.USDA.GOV>]
Sent: Friday, April 26, 2013 1:33 PM
To: Davis, Kathy
Cc: Keaney, Kevin; McNally, Robert; Jordan, William; Arling, Michelle; Poe, Michael - OBPA; Johansson, Robert - OCE
Subject: RE: EPA's proposed changes to the agricultural Worker Protection Standard

Good Afternoon,

Would you be available for a brief call (15 minutes) on Monday sometime between 1:30 and 4pm?

USDA has identified an item for discussion that we think needs to be addressed sooner than later.

Please let us know what time works for EPA.

Thanks,
Sheryl

From: Davis, Kathy [Davis.Kathy@epa.gov]
Sent: Thursday, April 25, 2013 2:03 PM
To: Poe, Michael - OBPA
Cc: Kunickis, Sheryl; Keaney, Kevin; McNally, Robert; Jordan, William; Arling, Michelle; Evans, Jeff; Kasai, Jeanne; Nelsen, Ashley; Pont, Richard; Schroeder, Carolyn
Subject: EPA's proposed changes to the agricultural Worker Protection Standard

Michael,

It was good to meet you this morning, and thank you for coordinating the briefing.

We have attached the preamble and the regulatory text (NPRM, or Notice of Proposed Rulemaking), the economic assessment (EA), and today's presentation for you to distribute within USDA. We plan to send additional materials next week, in response to the comments and questions we received today.

We would like to meet again to respond to questions or comments after you and your colleagues have reviewed the documents. To make the best use of your time, it would be best for us to have the questions or comments in advance of the next briefing. Please send all comments to me and I will collate and distribute them for responses.

Thank you!

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